

REMARKS

Status of the Claims

Claims 5-12, and 20-74 are pending, with Claims 5, 21, 22, 24, 26, 30, 38, 40-42, 44-47, 59, 67, 68, and 70-73 being independent. Claim 5 has been amended. Claims 21-73 are withdrawn from further consideration. Support for the claim changes can be found in the original disclosure, for example in Figures 1-7 and the accompanying description, such as at page 26, line 22 through page 29, line 23, and therefore no new matter has been added.

Requested Action

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Formal Claim Rejections

Claims 5-12, 20 and 74 were rejected under 35 U.S.C. § 112, first and second paragraphs, because Claim 5 allegedly does not comply with the enablement requirement and is incomplete for omitting essential structural cooperative relationships of elements. In response, while not conceding the propriety of the rejections, Claim 5 has been amended to address the points raised in the Office Action. Applicants submit that as amended, Claim 5 now even more clearly satisfies 35 U.S.C. § 112, first and second paragraphs.

Substantive Rejections

Claims 5, 8, 10, 20 and 74 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0162523 (Darrell et al.). Claims 5, 7-9, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0032070 (Teicher). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Teicher in view of U.S. Patent Publication No. 2002/0180873 (Misawa).

In response, while not conceding the propriety of the rejections, independent Claim 5 has been amended. Applicants submit that as amended, Claim 5 is allowable for the following reasons.

Amended independent Claim 5 relates to a digital camera comprising a capturing unit that captures a subject image, a storing unit that stores the subject image captured by the capturing unit on a storage medium, and a retrieving unit that performs a retrieval operation of an image from the subject image stored on the storage medium. The capturing unit captures a generic image to be retrieved or a key image to be used as a retrieval key of the retrieval operation according to the operation of a shutter button. In the event the capturing unit captures a key image to be used as a retrieval key of the retrieval operation, the retrieving unit starts the retrieval operation using the key image.

Claim 5 has been amended to recite that the capturing unit is capable of capturing an image during the retrieval operation and the retrieving unit does not initiate a new retrieval operation using a new key image even though the capturing unit captures the new key image in response to pressing the shutter button during the retrieval operation.

By this arrangement, the heavy load on the camera that results from parallel processing of different retrieval operations can be avoided, as discussed at page 26, line 22 through page 29, line 23 of the specification.

In contrast, the citations to Darrell et al. and Teicher are not understood to avoid the heavy load on the camera that results from parallel processing of different retrieval operations. Therefore, these citations are not understood to disclose or suggest that the capturing unit is capable of capturing an image during the retrieval operation and the retrieving unit does not initiate a new retrieval operation using a new key image even though the capturing unit captures the new key image in response to pressing the shutter button during the retrieval operation, as recited by amended Claim 5. Rather, the Darrell et al. citation is understood to merely teach an image search for finding images being close to a captured image (an image searching process is started in step 114 after an image is captured in step 112), while the Teicher citation is understood to merely teach a camera with an OCR function, such that when a user of the camera selects a text region in an image, the camera starts the OCR function on the text region in response to pressing a translate key, and translates a detected character by the OCR function.

Since amended Claim 5 is understood to recite at least one feature not disclosed or suggested by the citations to Darrell et al. or Teicher, Applicants submit that the Office has not yet satisfied its burden of proof to establish the anticipation of amended Claim 5 over these citations. Therefore, Applicants respectfully request that the rejections of amended Claim 5 be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Applicants submit that this Amendment After Final Rejection is enterable because it clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicants
Registration No. 28,861

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200
GMJ/klm

FCBS_WS 4705070v1